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SUMMARY RECORD OF THE 4th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 12 March 1997, at 10 a.m.

Chairman: Mr. SOMOL (Czech Republic)

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The meeting was called to order at 10.05 a.m.

STATEMENT BY MR. ABDUL MATIN KHASRU, MINISTER OF LAW, JUSTICE AND PARLIAMENTARY AFFAIRS OF BANGLADESH

1. Mr. KHASRU (Bangladesh) said that, throughout its history, Bangladesh had drawn inspiration from the human rights values inculcated in the national ethos by the father of the nation, Bangabandhu Sheikh Mujibur Rahman, murdered in August 1975. His daughter, Sheikh Hasina, who had taken over the Prime Minister's duties after a long struggle which had led her party to electoral victory in June 1996, steadfastly upheld human rights in every sphere of life.

2. The Bangladesh authorities viewed the issue of human rights in holistic terms and the Government had adopted a number of bold measures to advance their cause. It had repealed the infamous bill which had conferred immunity on the killers of the father of the nation, not out of vengeance, but out of a basic sense of justice. The Government's objective was to ensure speedy, easy, inexpensive and accessible justice for the common people. The Prime Minister had declared that she would establish an independent national human rights commission. A project had been undertaken with UNDP support for the institutional development of human rights. A judicial training institute and a permanent law commission, consisting of three high-level judges had been set up. The Ministry of Justice had begun a project, with financial support from the World Bank, for providing technical assistance to those institutions. Consideration was being given to establishing a post of ombudsman. Measures to give the rural poor easy access to a system for solving disputes included the establishment of Grameen courts (rural courts) which could adjudicate at the pre-trial stage and avoid costly litigation. Legal aid committees had been formed to provide assistance to those in need of it.

3. The Bangladesh authorities believed that NGOs and Governments could complement each other's activities. They supported cooperation activities at the local level which stimulated economic and social life by setting up mechanisms such as "microcredit" and contributed to the empowerment of women. They had long since made the private sector aware of human rights, in particular by helping to eliminate child labour from the garment industry.

4. As the labour market became globalized, migrant workers were often vulnerable and completely unprotected. It was essential that, in accordance with the relevant international conventions, they should receive equality of treatment with nationals and, inter alia, receive equal pay for equal work.

5. In conclusion, he said that he had wanted to testify before the Commission so that Bangladesh, with its 120 million inhabitants, could, despite its difficulties, make a commitment to democracy and pluralism, peace and development. In order to achieve those objectives, relations between nations and cultures must be based on cooperation, not on confrontation.

STATEMENT BY MRS. REBECCA KADAGA, MINISTER OF STATE FOR FOREIGN AFFAIRS OF UGANDA

6. Mrs. KADAGA (Uganda) said that the fiftieth anniversary of the Commission on Human Rights and, in the near future, of the Universal Declaration of Human Rights was an opportunity for countries to take stock of developments and to map out their future. There were many human rights texts, but the challenge was to implement them as part of efforts to achieve democracy and development.

7. While it was important to react to human rights violations, it was as essential to prevent them by setting up appropriate institutions and mechanisms for installing a culture of human rights which would permeate the hearts and minds of all. On assuming power, the Government of the National Resistance Movement had therefore established an independent human rights commission - which had completed its work - to inquire into human rights violations between 1962 and 1986 and, when sufficient evidence had been gathered, it had not hesitated to take action against those responsible. It also cooperated with the national and international bodies monitoring the human rights situation.

8. The new Ugandan Constitution, which had been promulgated in 1996 with the cooperation of the people, was designed to empower the people, promote the rule of law and ensure a culture of observance of human rights. The office of Inspector-General of Government had been established to investigate cases of corruption by State and public officials.

9. A permanent human rights commission had been established under article 51 of the Constitution to investigate human rights violations and to recommend measures to Parliament to promote human rights, increase public awareness and defend the Constitution at all times against all forms of violation. Her Government appealed for the support of the Centre for Human Rights and the international community in assisting the commission to fulfil its mandate.

10. The proclamation of 1995-2005 as United Nations Decade for Human Rights Education was to be welcomed, since human rights education for the population and those concerned with law enforcement was crucial.

11. Uganda had also reformed its criminal justice system with the assistance of several countries and bodies and proposed that the technical cooperation programme under which the Centre provided technical and financial assistance should be strengthened.

12. The genocide in Rwanda and in the former Yugoslavia, which were the shame of the international community, showed that intolerance was being fuelled by new forms of xenophobia and ethnic conflict. Unfortunately, the measures taken to combat that xenophobia might have the effect of increasing discrimination against vulnerable groups, such as migrant workers and minorities. Vigilance was therefore required to combat that menace and the attendant impunity.

13. With regard to the rights of women, recognized in the Vienna Declaration and Programme of Action as an integral part of the rights of the individual and reaffirmed by the Beijing Declaration and Programme of Action, her Government supported the very useful work of the Special Rapporteur on violence against women. In response to the Beijing Declaration and Programme of Action, the Copenhagen Declaration on Social Development and the requirements of its Constitution stating that each of the country's 39 districts should elect at least one woman member of Parliament, of which persons with disabilities should also be members, her Government had taken measures to demarginalize women and other disadvantaged groups and give them some degree of independence.

14. The exploitation of children was a source of deep concern to the Government, which was closely following the work of the Working Group on the draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

15. The relationship between development and the promotion of human rights was a clear one; to work and to have enough to eat was as important to human dignity as the opportunity to vote and speak freely. Creating conditions for sustainable development worldwide would contribute immensely to the promotion of all rights, including the right to development, but it did not mean that Governments could invoke the lack of development to oppress their own people. The Government had launched a programme to combat poverty, particularly by facilitating access to credit by rural dwellers lacking collateral. The country's debt was nevertheless crippling its economic growth and hence its social development and it needed the international community's full support.

16. Her Government was in favour of the restructuring of the Centre for Human Rights, which must become more efficient and able to react swiftly to human rights situations while giving priority to helping developing countries set up human rights institutions. There was not doubt that the Centre must be provided with additional resources, but not at the expense of equally deserving economic and social programmes.

STATEMENT BY MR. FAUSTIN NTEZIRYAYO, MINISTER OF JUSTICE OF RWANDA

17. Mr. NTEZIRYAYO (Rwanda), recalling that, as a result of the genocide in which about 1 million civilians had died between April and July 1994, a further 2 million had fled abroad, hundreds of thousands had been internally displaced and infrastructures had been destroyed on a massive scale, said that the Government had had to restore security, rebuild the economy and, above all, repatriate and reintegrate the refugees. It had also had to put the legal system back into working order so as to bring to trial the perpetrators of the genocide and thus establish the peaceful coexistence of the people of Rwanda.

18. The large-scale return of the 1.2 million refugees exiled in Zaire and Tanzania was proof that, contrary to allegations, the country was not prey to insecurity and that the strong determination of the Government and people of Rwanda to carry out repatriation while respecting human rights and fundamental freedoms had been crowned with success, as the observers could testify.

19. However, such an influx had given rise to new challenges which would have an impact on the human rights situation in Rwanda. The country had experienced an increase in crime, particularly in regions which had taken in large numbers of former soldiers and perpetrators of massacres. There were many of the latter among those repatriated and it had been shown that, once they had returned, they had turned on those who had escaped the genocide in order to wipe out the evidence of their guilt. The criminals included persons who had had military training in the camps for the purpose of attacking Rwanda, had returned to the country with their weapons and were trying to destabilize it by intimidating the population, even through murder. Unfortunately civilinas had died during clashes between the police and criminal gangs, who had used them as human shields. The gangs had also attacked a number of expatriates working on the restoration of the economic infrastructure to make them leave the country and thus delay its recostruction. He reiterated the condolences of the Rwandan Government to the families of the Canadian priest, the two human rights observers and the three representatives of Médecins du monde who had been murdered and to the High Commissioner for Human Rights and the international organizations of which the victims had been members.

20. The legacy of the genocide, characterized by the large-scale return of refugees and the destitution of the survivors, itself jeopardized human rights. It had led the Government to take specific measures to protect the safety of the population and ensure a civilian peace. With the help of the local administrative authorities and the support of the population, the police were trying to track down criminals who threatened the safety of persons and property. Investigations were being carried out in order to bring the alleged criminals to justice. For example, the main perpetrator of the attempted murder of human rights observers had just been arrested and would shortly be tried.

21. In order to facilitate the action of justice, the Government of Rwanda had undertaken, despite the difficult context, to restore the legal system and improve the prison services; it had made efforts to decongest the prisons by creating new places of detention and monitoring conditions of health and hygiene. It had also established different and more favourable treatment for vulnerable groups such as women, elderly persons and those who were ill and had set up special courts for juveniles. It was taking steps to expedite the handling of the cases of the many detainees awaiting trial. It was convinced that the people of Rwanda would be able to achieve lasting peace only after justice had been done and those who had escaped the genocide had been able to speak out. The start of the trials of the alleged perpetrators of the genocide in December 1996 was already a reason for satisfaction.

22. Rwanda had constantly reaffirmed its attachment to fundamental human rights and its desire to ensure that they were enjoyed by everyone without discrimination. In order to guarantee the right of defence of prisoners and the victims of the genocide, it had made contact with foreign bars and lawyers' associations to support the Rwandan Bar, which was in the process of being established. The Ministry of Justice had also received an informal understanding from the United Nations Development Programme for the establishment of a legal assistance fund. Those measures should help build a State that would respect the rights and freedoms of everyone.

23. The Government of Rwanda had taken note with interest of the report of the Special Rapporteur on Rwanda. Without going into details, it had the impression that the report unfortunately did not fully recognize the complexity of the situation in the country. That was probably partly because the Special Rapporteur had spent such a short time in Rwanda, but also because there was a tendency to put all the so-called "Great Lakes" countries in the same category and to recommend comprehensive solutions for them without taking account of their specific features. It should be recalled that the current crisis in Rwanda followed hard on the genocide and other crimes against humanity which had plunged the country into mourning in 1994 and was the result of the return of more than 1.2 million refugees in a very short space of time. The solution to that internal problem obviously involved mobilizing enough human and financial resources to undertake a reconstruction plan.

STATEMENT BY MR. ZORAN THALER, MINISTER FOR FOREIGN AFFAIRS OF SLOVENIA

24. Mr. THALER (Slovenia) said that the protection of human rights and the creation of conditions for their implementation had been at the heart of Slovenia's aspirations since its recent independence. It had acceded without reservation to the six basic United Nations human rights instruments, which had become directly applicable in its domestic law. At the regional level, it was a party to the European Convention on the Protection of Human Rights and Fundamental Freedoms and its 11 protocols.

25. His Government believed that the concern of any country for the fate of human rights in other countries was a natural component of international cooperation; that concern, however, must develop in a spirit of constructive dialogue. The implementation of human rights worldwide was a multifaceted process which ranged from the implementation of international conventions to the work of the international war crimes tribunals. His Government fully supported the work of the international tribunals for war crimes committed in the former Yugoslavia and Rwanda. Their success or lack of success would decide the future of international criminal justice in general. It was disquieting that the International War Crimes Tribunal for the Former Yugoslavia did not enjoy proper support and that, as a result, the majority of those indicted by it were still at liberty. The arrest of those criminals was essential for the success of the Dayton Agreement.

26. With regard to the implementation of international instruments, his Government welcomed the action plan of the High Commissioner for Human Rights to strengthen the implementation of the Convention on the Rights of the Child and supported the Working Group on the optional protocol to the Convention on the Rights of the Child concerning the sale of children and other similar practices. It noted with satisfaction the achievements of the Stockholm World Congress against Commercial Sexual Exploitation of Children.

27. No mention of human rights was complete without a reference to women's rights and his Government unreservedly supported the conclusions of the Beijing Conference, which it had begun to implement. It was also among the countries which had lent their support to the drafting of an optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women, which would open up the possibility of individual complaints.

28. It was increasingly recognized that human rights was an area in which preventive diplomacy, even on a modest scale, could yield good results, for example, by avoiding costly humanitarian operations. It must be realized that the needs of humanitarian action were much greater than at the time of the Vienna Conference four years previously. The world was facing unprecedented violations of human rights while the resources of the international community were drying up. It was useless for the United Nations to issue increasing numbers of resolutions if it did not act more efficiently. While it was known that States did not cooperate satisfactorily with special rapporteurs, it was a matter of particular concern that reports on massive human rights violations the special rapporteurs observed were not followed by effective decisions by the very body which had appointed them. The so-called "1503 procedure", which dated back to 1970, was outdated and needed to be revised. Working methods under that procedure also had to be improved in order to restore its credibility.

29. The mechanisms for the implementation of human rights instruments also tended to become blocked; countries complied less and less with their reporting obligations, the number of reports pending increased constantly and procedures for the consideration of individual cases were much too slow. The machinery to settle disputes between States was not used. Another cause for concern was that, so far, no agreement had been reached on a consistent definition of the links between economic, social and cultural rights and civil and political rights. The failure to take an interest, deliberate or otherwise, in the social aspects of human rights made it all the more difficult to achieve political rights.

30. On the eve of the fiftieth anniversary of the Universal Declaration of Human Rights it was perhaps time to take stock; if solutions were to be found to problems, a start must be made on defining the problems clearly and agreeing on a starting point for a settlement. In practical terms, the first thing to be done was to admit that each of the bodies concerned with human rights had to improve its work. The Commission on Human Rights was no exception; it should delete from its agenda all items which were out of date, reduce the number of resolutions and assess whether certain questions should not be considered only every two or three years; it should devote more of its time to the reports of the special rapporteurs and take due account of their findings.

31. The secretariat would also require reform. The High Commissioner for Human Rights had taken a first step in that direction, but the process must continue with the search for innovative solutions and efforts to make better use of available funds, particularly for electronic data processing. The share of the United Nations budget earmarked for programmes for the protection and promotion of human rights must be increased.

32. Action in the field must be encouraged. Advisory services in human rights must be intensified in order to help States set up the institutions needed to ensure the rule of law, the independence of the judiciary and the professionalism of judges and to promote full respect for human rights. Appropriate links needed to be established with the development activities of UNDP and the World Bank and with the work of humanitarian organizations, UNHCR in particular, and, where necessary, with United Nations peacekeeping

operations. Following the recent conferences on social and economic affairs, the impact of economic problems on the implementation of human rights should be duly taken into consideration, particularly with a view to preventing conflicts. For those reasons, cooperation between UNDP resident coordinators and the representatives of human rights field missions should be enhanced.

33. It was now necessary for the United Nations to give new impetus to its activities in the area of human rights; the best way of doing so would certainly be to give them their proper place among its activities as a whole. The new High Commissioner for Human Rights would naturally have an important role to play in that regard, but the Commission on Human Rights could and should make a substantial contribution as well.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED TERRITORIES, INCLUDING PALESTINE (agenda item 4) (continued) (E/CN.4/1997/13 to 16, E/CN.4/1997/107, E/CN.4/1997/109, E/CN.4/1997/111, E/CN.4/1997/116, E/CN.4/1997/117)

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 7) (continued) (E/CN.4/1997/23)

34. Mr. LI Baodong (China) said that his Government welcomed the progress made in the Middle East peace process, but it was seriously concerned about the Israeli Government's recent decision to build new Jewish settlements in East Jerusalem and regretted that the civil, political, economic, social and cultural rights of the Palestinian people had not yet fully materialized. His Government had always maintained that the issue of the Middle East, including the question of Palestine, should be resolved through peaceful negotiation by all parties concerned on the basis of the relevant United Nations resolutions.

35. Over the years, the Commission had supported the just cause of the Palestinian people and the population of the other occupied territories. It should give high priority to the consideration and solution of the problem of serious human rights violations as a result of colonialism, racism, and foreign aggression, occupation and rule. China would continue to work towards the restoration of all the legitimate rights of the Palestinian people and the realization of peace in the Middle East.

36. Mr. BENJELLOUN TOUIMI (Observer for Morocco) welcomed the fact that, despite the many obstacles in their way, the parties to the Middle East peace process had been able, on 15 January 1997, to arrive at the Alkhalil agreement, which was an important step towards confidence-building and cooperation for the establishment of a comprehensive, just and lasting peace in the region based on the principle of "land for peace".

37. However, serious inroads were likely to be made on that confidence if the decision to build a new Jewish settlement of 6,500 dwellings in East Jerusalem was maintained. As His Majesty King Hassan II had stated in his speech from the throne on 3 March 1997, peace could not be rebuilt where feelings of frustration, hatred and fear continued to exist. The renewal of loyal and sincere cooperation between Palestinians and Israelis required scrupulous compliance with the Oslo Agreement.

38. The consolidation of the peace process also required massive and concerted aid from the international community as a whole to ensure the economic and social development of the occupied territories. It must go hand in hand with scrupulous respect for human rights and humanitarian law. It was vital that there should be an improvement in the human rights situation in the occupied territories, that the 3,500 prisoners should be released and that the persons responsible for the ill-treatment of detainees should be punished. It was crucial for the parties concerned to demonstrate their firm desire to solve pending problems, with full respect for international legality.

39. In order to ensure a just and comprehensive peace in the Middle East, the only solution was to approach Syria and Lebanon and restart the negotiations on the basis of the relevant General Assembly and the Security Council resolutions.

40. Mr. FERNANDEZ PALACIOS (Cuba) said it was regrettable that, after the many obstacles it had overcome, the Middle East peace process was going through a new crisis as a result of the Israeli Government's recent decision to build a new Jewish district in the Arab sector of Jabel Abu Ghneim in East Jerusalem. That decision was not only a violation of the Oslo Agreement, but also an unacceptable attempt to change the bases on which the international community had initiated the peace process. It was a scandal that the United States, one of the actors in the peace process, had prevented the Security Council from taking a position on a matter of such great importance.

41. Practices such as the confiscation of Palestinian land and enforced expulsions, whose sole aim was to amend the status quo to the advantage of the occupying power, were to be deplored. They were accompanied by punitive and arbitrary measures which constituted a collective punishment of the inhabitants of the occupied territories. The November 1996 decision by the Israeli High Court to lift the ban on the use of physical force in the interrogation of Palestinian detainees by the internal security services was a matter of concern.

42. There could be no lasting peace in the Middle East without the complete withdrawal of Israel from all the occupied territories, the Syrian Golan and southern Lebanon. It was high time for the Palestinian people to be able to exercise its inalienable right to self-determination and the establishment of an independent State.

43. Mr. TARMIDZI (Indonesia), speaking as Chairman of the Group of the Organization of the Islamic Conference (OIC), reaffirmed the support of all OIC member countries for the struggle by the Palestine Liberation Organization to put an end to the effects of the Israeli occupation and to build up Palestinian national institutions in Palestine so as to ensure the exercise of the inalienable national rights of the Palestinian people, including its right to return to its homeland, to self-determination and to the creation in its territory of an independent State with Al-Quds Al-Sharif as its capital.

44. The Israeli Government's recent decision to build a new settlement in Jabel Abu Ghneim in Al-Quds Al-Sharif was Israel's latest attempt to modify the city's demographic structure and legal status. All other measures of that

type taken in recent years were contrary not only to the interests of the Palestinian people, but also to those of the peace process itself. They were and would continue to be unacceptable, since they expressly violated the resolutions of the Security Council, the General Assembly and the Commission on Human Rights, and were also incompatible with the Declaration of Principles on Interim Self-Government Arrangements and subsequent agreements and with the generally accepted principles of international law. His organization once again called on Israel to put an end to all forms of human rights violations in the Palestinian and other occupied territories and to respect all those texts.

45. At its twenty-fourth session in Jakarta in December 1996, the Islamic Conference of Ministers had reaffirmed its support for the Middle East peace process and had stressed the need to implement all the agreements signed by the parties concerned, to respect the commitments made in accordance with United Nations resolutions and to apply the "land for peace" formula, which required Israel's withdrawal from the occupied territories, including Jerusalem, and the realization of the rights of the Palestinian people. The Middle East had great economic and political potential if peace could be established. The agreements must therefore be implemented consistently and fairly in their entirety, and not selectively, sporadically or conditionally.

46. Mr. DLAMINI (Observer for Swaziland) emphasized that the right of peoples to self-determination must be respected in all regions of the world and not only in the Middle East. The wars and conflicts which raged on the African continent led to interference in the internal affairs of States, in contempt of the Charter of the United Nations. Many African States were subject to measures of coercion that undermined their sovereignty, while acts of interference took place with total disregard for national law, on the pretext of defending human rights and democracy.

47. Since their accession to independence, African countries had been trying gradually to establish a system which would respect human rights, making due allowance for their own history. It might be asked on what grounds some countries were trying to impose models which were thought to be acceptable for all, particularly with regard to human rights. He asked the developed countries to allow the ongoing political and economic processes in the developing countries to continue without abusive interference in their internal affairs and urged the Commission to guarantee respect for the principle of the sovereign equality of all the Members of the United Nations embodied in the Charter.

48. Mr. HASSAN (Observer for Sudan) said that the Commission was holding its fifty-third session at a time when, as all the reports to the Commission or to the General Assembly stated, the situation of the Palestinians was deteriorating as a result of Israel's policy. Israel was still refusing to implement the resolutions of the international community and flouting the peace agreements it had signed with the PLO. It continued to violate the fundamental rights of the Palestinians, to expropriate their land in order to extend its settlements and to try to change the demographic balance of Jerusalem.

49. While supporting the resolutions of the international community, his Government condemned the establishment of new settlements in Jerusalem and the opening of a tunnel under the Great Mosque. The Commission should warn the international community and Israel in particular against the harmful consequences for peace of aggressive practices of that kind. Israel must stop occupying the land and violating the fundamental rights of the Arab peoples of the Golan Heights, southern Lebanon and the occupied territories and recognize their right to self-determination. It must realize that one of the last hopes for a just and comprehensive peace in the region was to adopt the "land for peace" solution. The international community and the Commission in particular should urge it to guarantee the conditions for establishing that much desired peace.

50. Mr. AL-MUSIBLI (Observer for Yemen) said that the opening of the Commission's session had once again been marked by very serious incidents in the occupied Arab territories. The human rights violations taking place there were the direct result of the occupation by Israel, which was reneging on the commitments it had made in the context of the peace process. It was clear, however, that the peace to which all countries in the region aspired first of all required that all parties should fulfil their international obligations. International instruments and agreements were daily trampled underfoot in the occupied territories, as the international community knew full well. He referred to the practice of collective punishments, the sealing off of Palestinian areas, which had disastrous effects on the economic and social situation, including education and health, the settlement expansion policy, the attempts to change the demographic composition of the Arab section of Jerusalem by emptying it of its genuine inhabitants, the violence practised by the Israeli forces against unarmed civilians and the physical and psychological tortures to which Palestinian prisoners were subjected in defiance of international conventions. As was clear from the report of Mr. Hannu Halinen, Special Rapporteur on the situation of human rights in the occupied territories (E/CN.4/1997/16), such Israeli practices were contrary not only to the international conventions, but also to the most basic morality. His delegation urged that the Special Rapporteur's mission should continue until the territories occupied by Israel had been totally evacuated.

51. The establishment of a just and comprehensive peace in the region would be achieved by the withdrawal of Israeli forces from the occupied territories, and from Golan and southern Lebanon, and by the recognition of the inalienable rights of the Palestinian people to self-determination and the establishment of an independent Palestinian State with Jerusalem as its capital.

52. The Commission should again ask Israel to comply with the international community's decisions and to respect the principles of international law, particularly the Geneva Conventions of 1949 and their Additional Protocols.

53. Mrs. DIALLO (Observer for Senegal) said that, despite the positive results of the Israeli-Palestinian negotiations in 1993 and 1994, the desire of the international community to reach a peaceful and negotiated settlement of the Israeli-Arab conflict was still encountering serious obstacles, as could be seen from the tragic events which had occurred in 1996 in Jerusalem, Nablus, Ramallah, Bethlehem and Gaza after Israel had built a tunnel under the Al-Aqsa Mosque. The decision which the Israeli Government had taken

on 26 February 1997 to establish an eleventh Jewish settlement in the Arab sector of East Jerusalem and which, if implemented, would mean completely surrounding the Arab districts of the Holy City and cutting East Jerusalem off from the rest of the West Bank, heightened the atmosphere of mistrust which characterized relations between Jews and Palestinians. Other factors were the continuing establishment of settlements in Gaza and the West Bank, the occupation of the Syrian Golan since 1967, the sealing off of the occupied territories that continued to be imposed by the Israeli army and the painful question of the thousands of Palestinian prisoners who still languished in Israeli jails. Only the implementation, in good faith and without delay, of the agreements concluded on the basis of the "land for peace" principle, respecting the security of all States and the right of the Palestinian people to self-determination, could put the process that had started in Madrid back on track for the building of a just, comprehensive and lasting peace in the Middle East.

54. She welcomed the efforts being made by the Palestinian Authority to honour its international commitments, despite the sufferings of the Palestinian people in the occupied territories. If the credibility of the Palestinian Authority was to be preserved, the economic development of the Palestinian territories had to be ensured and the living conditions of their population had to be improved, particularly in the Gaza Strip. It was also clear that the establishment of peace in the territories necessarily involved respecting human dignity and promoting and safeguarding the human rights of the people of the region. Everything possible must be done to solve the problems of the spread of Israeli settlements, to improve the treatment of prisoners, to combat acts of terrorism and intimidation, from whatever quarter they came, to ensure the protection of the holy places and to put an end to the collective punishments which stirred up emotions, created martyrs and benefited the enemies of peace.

55. Her delegation welcomed the positive contribution of the United Nations General Assembly and the Committee on the Exercise of the Inalienable Rights of the Palestinian People to the peace efforts in Palestine. Senegal, which had chaired the Committee since 1975 and was a member of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, was also in a position to appreciate the efforts made by other actors in the field, particularly the sponsors of the peace process, the specialized agencies and NGOs, which were giving the civilian population reasons to believe that the aim of the peace process was not to wipe out the anguish of the past, but to prevent further suffering.

56. In conclusion, she said that it was for each individual, in the Commission on Human Rights and elsewhere, to work tirelessly to ensure that the enormous efforts and sacrifices being made for peace in Palestine and the Middle East would not be in vain and so that the ideals of peace, justice and solidarity which informed the Madrid negotiations would triumph.

57. Mrs. LESCORNEC (Women's International League for Peace and Freedom) said that her organization was deeply concerned about the Israeli Government's recent decision to build a new settlement on Palestinian land at Jabel Abu Ghneim, near Bethlehem. The implementation of the project, which had been condemned by practically the entire international community, would

without a doubt jeopardize the ongoing peace negotiations, possibly fatally. The decision was a further attempt by Israel to impose its sovereignty over all of Jerusalem and was part of the Israeli policy of confiscating land and building settlements throughout the West Bank. Since the 1967 war, Israel had confiscated more than half of the occupied territories, or 74 per cent of the West Bank and 26 per cent of the Gaza Strip. Most of the land confiscated was fertile agricultural land which belonged legally to its owners. As land was a source of livelihood for thousands of Palestinians, that policy hampered the development of the Palestinian economy and was contrary to Security Council resolutions 242 (1967) and 338 (1973) and totally incompatible with the establishment of peace in the Middle East.

58. The proposed construction of a new settlement in East Jerusalem was a grave breach of the Israeli-Palestinian agreement and the declaration of principles according to which the final status of Jerusalem must be the subject of specific talks. For three years, however, the Israelis had imposed the complete economic and military sealing-off of Jerusalem, thus greatly damaging the economic, academic and cultural life of the city. Those measures were an intolerable abuse of human rights, particularly of the right to freedom of movement and freedom of worship, and a denial of the right of the Palestinians to self-determination; they were even more serious in the case of Jerusalem, the cultural and religious centre of the Palestinian community and the future capital of the sovereign State of Palestine.

59. It must be impressed upon the United Nations and the international community at large that current developments in the Middle East, particularly in Jerusalem, could have tragic consequences which must at all costs be prevented. Her organizations requested the Commission on Human Rights to do everything in its power to persuade the Israeli Government to annul its decision and to comply with international law and the many resolutions adopted by the United Nations.

60. Mr. SCHONVELD (World Organization against Torture (OMCT)) said that his organization once again noted with concern that torture continued to be practised in the occupied territories, both by the Palestinians and by the Israelis.

61. On 1 February 1997, a real estate agent in Nablus had died as a result of torture during interrogation by Palestinian military intelligence. Such acts, which did not seem to be motivated by political considerations, were indicative of the current deterioration in the human rights situation in the Palestinian autonomous areas. Even more worrying was the impunity enjoyed by those committing the abuses. Such cases highlighted the need for rules of behaviour and clear terms of reference for the Palestinian security services. His organization appealed to the Commission on Human Rights to urge the Palestinian members of the Legislative Council and ministers to face up to their responsibilities with regard to human rights and to put an end to such violations.

62. On the Israeli side, a man arrested on 6 December 1995 had been interrogated by the security forces for 18 days. The High Court had rejected the petition submitted by his lawyers, and that was tantamount to allowing the General Security Service to use "physical pressure". In November 1996, the High Court had again rejected two complaints of torture submitted on behalf of

Palestinian prisoners. Israel had thus effectively legalized torture. His organization had recently been informed of the case of a prisoner who had been handcuffed, kept in an uncomfortable position, subjected to violent interrogations and denied sleep for long periods. He had been arrested on 7 February 1997, but had not able to meet his lawyer until 4 March.

63. It should be recalled that Israel was a party to the Convention against Torture and it had already been called to order by the Committee against Torture in recommendations made in April 1994. The Committee should take an unequivocal line in considering the case and set a time limit for the implementation of its recommendations. The Commission on Human Rights should insist that Israel should take immediate and appropriate measures to outlaw both the de facto and the de jure use of physical and psychological force, withdraw its reservations on articles 20 and 30 of the Convention and accept the competence of the Committee with regard to articles 21 and 22; implement the recommendations of the Committee and, in particular, take all necessary measures to ensure that conditions of detention, including administrative detention, were brought into conformity with international norms; and take appropriate measures to ensure that legal access was guaranteed in accordance with international provisions.

64. The Commission should also remind Israel of the unequivocal wording of article 2, paragraph 2, of the Convention against Torture, which stated that: "No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture". It was the Commission's duty to do everything in its power to prevent departures from that rule.

65. Mrs. NEURY (Centre Europe-Tiers Monde (CETIM)) stressed that the plan to build a new Israeli settlement, Har Homa, on Abu Ghneim hill in East Jerusalem was unacceptable. The plan was part of a general policy to plunder and gag the Palestinians, as CETIM had revealed in its document E/CN.4/1996/NGO/45. The international community was in many respects responsible for the existence and development of the Israeli-Palestinian conflict. It might, indeed, be asked whether the Palestinians could still expect anything from the United Nations, since Israel had been flouting Security Council and General Assembly resolutions with impunity since 1947, while, in the Security Council, the United States resorted to unmentionable pretexts to veto the condemnation of the State of Israel. The system of double standards in force in the Security Council was not to be tolerated any longer, since it had all too often led to catastrophic results for peoples in distress. Her organization therefore encouraged the members of the Commission to reaffirm the inalienable rights of the Palestinian people, whose situation had made no progress whatsoever, as could be seen from what was happening in East Jerusalem.

RIGHTS OF THE CHILD (agenda item 21) (E/CN.4/1994/91, E/CN.4/1997/96, A/51/306 and Add.1)

66. Mrs. MACHEL (Expert of the Secretary-General on the impact of armed conflict on children) described the recommendations contained in the report (A/51/306 and Add.1) she had submitted to the General Assembly at its fifty-first session. The report had given rise to resolution A/RES/51/77 and the 35 new recommendations contained in it. The General Assembly's interest

in the question of the protection of children affected by armed conflict demonstrated that the efforts of many international, governmental, regional and non-governmental bodies to give visibility to the fate of those children had borne fruit.

67. The recommendations contained in the report corresponded to both human rights and humanitarian concerns, since they were complementary areas. Many children were killed or wounded as a result of fighting, but even greater numbers died of malnutrition and disease caused by the destruction of food crops, infrastructures and the social fabric. Even worse was the fact that many conflicts were as long as a whole childhood and the psychological impact on the individual child victims could not be quantified in figures, however many there were of them, or in statistics.

68. The time when children were to some extent the incidental victims of war was a thing of the past. Henceforth, with the disappearance of the distinction between combatants and civilians, the fact that places which once had been protected, such as hospitals, schools, places of worship, were no longer spared and the fact that the possession and handling of a weapon even by children under 10 had become commonplace, children were victims and actors like adults and were pushed into battle by force or necessity.

69. In her report, she recommended the immediate demobilization of children, their psychological follow-up and their social reintegration and, as a matter of priority, the conclusion and adoption of the draft optional protocol to the Convention on the Rights of the Child to prohibit the recruitment and participation of children under the age of 18 in armed conflicts, as well as the accession of States to the protocol. In the meantime, she also recommended that a global campaign should be launched for that purpose.

70. She welcomed the fact that the danger of landmines had been fully recognized at the Ottawa International Strategy Conference and in the General Assembly and hoped that ongoing negotiations for a ban on the use, manufacture, trade in and stockpiling of anti-personnel mines, on which the security of millions of children on every continent depended, would be speedily concluded. Even then, however, children would still be threatened by 110 million landmines. She had therefore recommended a three-pronged programme covering humanitarian mine clearance; the creation of living areas certified as 99.9 per cent free of mines; mine awareness aimed at children and women; and child-centred rehabilitation services.

71. Sexual violence, and even rape and murder, which were increasingly used as weapons of war, must be prosecuted as breaches of international law. It had been established that the arrival of peacekeeping troops was sometimes accompanied by an increase in the incidence of child prostitution. It was for those Governments whose military personnel were involved to prosecute persons who committed sexual offences against children and establish effective monitoring and disciplinary mechanisms. Military personnel should also have training in the rights of the child and in human rights in general, particularly if they were involved in peacekeeping operations. Protection and support for victims of sexual violence and exploitation should be included as essential components of humanitarian assistance, with an emphasis on the reproductive health and psychological and social needs of girls and women of childbearing age, especially in refugee and displaced persons' camps.

72. War, which violated every right of the child, beginning with the right to life, caused children physical, psycho-social and sexual wounds which were an affront to every humanitarian impulse that had inspired the Convention on the Rights of the Child. By demonstrating the complementarity of human rights and humanitarian law, the Convention provided both comprehensive and specific protection for children. It needed to be widely known, widely understood and widely implemented. In their reports to the Committee on the Rights of the Child, States must be able to show that they were concerned with promoting the rights of the child in conflicts and should not hesitate to be self-critical. In armed conflicts, all initiatives on human rights, humanitarian action and development must give special priority to children. Where they did not yet exist, the proper mechanisms must be established as rapidly as possible in order to ensure effective reporting of violations of children's rights.

73. Several of the recommendations set out in her report dealt with the United Nations human rights system, in the spirit of the Vienna Declaration and Programme of Action. The report recommended that all special rapporteurs and working groups, as well as treaty bodies should, in considering the reports of States parties, consider the situation of conflict-affected children and suggest measures to protect them and ensure their return to physical, psychological and social normality. The Commission on Human Rights, for its part, should support and adopt the legal framework developed by the Special Representative of the Secretary-General on internally displaced persons. She had also recommended that the High Commissioner for Human Rights and the Centre for Human Rights should consider children's rights in conflict situations when defining field operations and that peacekeeping personnel and human rights officers must be trained in their responsibilities to women and children.

74. In resolution A/RES/51/77, the General Assembly had asked the Secretary-General to appoint a special representative on children and armed conflict. His role would be to monitor the implementation of the recommendations contained in the report as a focal point, not an operational institution. He would be required to cooperate with Governments and United Nations bodies such as UNICEF, UNHCR, the High Commissioner for Human Rights and the Centre for Human Rights and with NGOs to ensure respect for children's rights in conflict situations. If, as the General Assembly also asked, he received voluntary contributions, he would have both the political and the financial support needed for his mission.

75. The tenth anniversary of the World Summit for Children and the entry into force of the Convention on the Rights of the Child should, according to the General Assembly, provide an opportunity for United Nations agencies and NGOs to draw attention to what had happened to children affected by armed conflict. She herself had recommended the organization of a conference in the year 2000 to evaluate what progress had been achieved in implementing her recommendations and to define future action plans. Meanwhile, a series of smaller preparatory meetings at the national and regional levels would be appropriate.

76. The preparation of reports on the impact of armed conflict on children had enabled her and her collaborators to obtain information, become mobilized, give testimony and make achievable recommendations directed at a wide range of actors. There was an urgent need for a new morality to put children at the

centre of the human rights, peace, security and development agendas. The international community had the tools for the task; it could not continue to fail in its duties towards its children.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued) (E/CN.4/1997/3, 11 and 98 and Add.1)

77. Mr. HÖYNCK (Germany), speaking on behalf of the members of the Western European and Others Group, said that the members of his Group were fully in agreement with the proposals which had been made to improve the operation and working methods of the Commission, in particular with regard to reducing the number and length of draft resolutions. They were currently making an effort to ensure that some of the resolutions traditionally sponsored by them were submitted only every two years. It should be recalled that the members of the Group had always preferred consultations on draft resolutions and their adoption by consensus and that the majority of texts adopted following a vote had not been submitted by them. They therefore saw no need for a resolution to encourage a spirit of cooperation among the members of the Commission, particularly if that resolution was to be voted on.

78. At the same time, there was general agreement that voting, unpleasant as it might be in a particular situation, was a legitimate and well-established democratic practice enshrined in all the rules of procedure of United Nations bodies. As a matter of principle, his Group would therefore oppose any effort to blur those rules or introduce new rules of procedure in the Commission which would not be consistent with general United Nations practice. The members of the Group would continue their efforts to use the practice of consultation on draft resolutions with a view to achieving consensus whenever possible.

79. Mrs. GHOSE (India) said that the discussion on methods of rationalizing the work of the Commission had shown that two aspects needed to be considered: the practical aspect, i.e. specific means of improving working methods, including proposals on the length of sessions and the number and length of resolutions; and the substantive aspect, i.e. differences of opinion on how basic objectives on which everyone was in agreement were to be handled. It remained to be seen in what context the Commission could consider those two aspects; her delegation hoped that the Chairman or the Bureau would clarify that point.

80. The CHAIRMAN said that very interesting proposals had been put forward to improve the work of the Commission and that an agreement seemed to have been reached on the need to reduce the number and length of resolutions or to consider certain resolutions only every two years. It was clear that the Commission was the only body which could take decisions on the implementation of those ideas and proposals, although it still remained to be determined how. Two options were possible, either to establish a group of "Friends of the Chair", as the Chairman of the fifty-second session had done, or to consider the question in the enlarged Bureau. He would raise the problem when the Bureau met and would inform the Commission of the conclusions it reached.

The meeting rose at 1.05 p.m.